## APPENDIX.

Chapter 202 of the General Laws of the State of Texas passed by the 43rd Legislature, Regular Session, p. 606.

(This Act of the Legislature of Texas, with omission of the caption, enacting clauses and emergency clause, constitutes Art. 2031a of Vernon's Annotated Revised Civil Statutes of Texas,—containing the Revised Statutes of 1925 and later general laws—and is commonly referred to as Art. 2031a of the Revised Statutes of Texas.)

*S. B. No. 52:*

*"Service of Process on Foreign Corporations."*

*Chapter 202.*

An Act further regulating and providing a means and method of securing service of process on foreign corporations hereafter seeking a permit to do business in Texas and those doing business in Texas on the effective date of this Act; requiring such foreign corporations to designate and appoint a service agent upon whom service of process may be had; affixing penalties for a violation hereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

"Section 1. From and after the effective date of this Act, each and every foreign corporation seeking a permit to do business in this State, and as a prerequisite to its right to secure a permit to do business in Texas, and each and every foreign corporation already having a permit to do business in this State on the effective date hereof, shall file in the office of the Secretary of State a power of attorney designating some individual who is a resident citizen of this State, as its service agent, upon whom process may be served in all suits, proceedings and causes of actions pending or hereafter filed in this State, in which said foreign corporation is a party or is to be made a party, which power of attorney shall be in effect so long as said foreign corporation is authorized to do business in Texas, and for a period of four years from and after the date any such foreign corporation shall have surrendered its charter or

has ceased to do business in Texas; provided, however, that each foreign corporation having a permit and doing business in Texas on the effective date hereof, shall have ninety days after the effective date hereof, within which to comply with the requirements of this Act.

"Sec. 2. The power of attorney required by this Act shall, in addition to stating the name and address of the agent, also stipulate that said agent is appointed as the corporation's service agent in Texas, and that said foreign corporation consents to the service of process upon said agent and that he shall be deemed as the service agent of said corporation for all intents and purposes as contemplated by the statutes requiring such designation and appointment; said power of attorney shall be acknowledged by the President or Vice-President, attested by the Secretary and acknowledged in manner and in form as is required in the acknowledgement of deeds in the State of Texas; said power of attorney shall, when executed, be filed in the office of the Secretary of State and shall become a part of the records in said office.

"Sec. 3. In the event of the death, resignation or removal of said agent so appointed, or the revocation of said power of attorney by said corporation, said foreign corporation shall immediately substitute the name of some other individual by similar power of attorney as is required by this Act, so that at all times an agent shall be available upon whom service of process may be had as provided herein.

"Sec. 4. Nothing herein contained shall be construed as repealing any statute in force in this State in reference to service of process on foreign corporations, but this Act shall be construed and held cumulative of all existing statutes, and service of process in all suits against foreign corporations may be had as is now provided by law, or as provided in this Act, or by all of such methods.

"Sec. 5. If any corporation which is required by the terms of this Act to file the power of attorney and designate a service agent as provided by this Act, shall fail to do

so at or within the time as required by this Act, then in such event:

"(a) Each of its acts in this State shall, as to it, be unlawful and void and none of such acts shall, as to it, be valid; and it shall be incapable in this State of receiving the benefit of exercising in its behalf or enjoying any right, power, privilege or immunity that shall not already have accrued, provided that none of its acts done subsequently to the filing of such a power of attorney, though such filing be late, shall be effected by the foregoing provisions, nor in case of such late filing shall the incapacity affected by the foregoing provisions apply to any right, power, privilege or immunity that shall have wholly arisen and accrued after such filing.

"(b) Such corporation shall be incapacitated to maintain any suit or legal proceedings in any court in this State upon any demand whether arising out of contract or tort.

"(c) Such corporation shall be liable to the State of Texas in the penal sum of Fifty ($50.00) Dollars, per week for each and every week in which it shall have so failed to file any such power of attorney, same to be recoverable by the Attorney General in the name of the State of Texas, in any court of competent jurisdiction in Travis County, Texas.

"(d) Such corporation, by doing any act within this State, shall be deemed to have appointed the Secretary of State and his successors in office, to all intents, affects and purposes as if it had duly executed such power of attorney.

"Sec. 6. If any paragraph, section or subsection of this Act shall be held or deemed invalid or unconstitutional, such invalid or unconstitutional part or parts shall not in any manner affect the remaining paragraph, section or subsection, but all such remaining parts shall be held to be expressive of the wish of the Legislature, regardless of the invalidity of any paragraph, section or subsection hereof.

"Sec. 7. The fact that there is no adequate statutory provision in this State regulating the service of process on foreign corporations, especially foreign corporations, which

might cease to do business in Texas and have no agent in Texas upon whom process may be served, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

"(NOTE.—S. B. No. 52 passed the Senate, April 24, 1933, by a vote of 24 yeas, 0 nays; Senate concurred in House amendments, May 25, 1933, by a vote of 29 yeas, 0 nays; passed the House, with amendments, May 25, 1933, by a viva voce vote.)

"Approved June 6, 1933.
"Effective 90 days after adjournment."